

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ARIC MARTIN,

Plaintiff,

Case No. 1:20-cv-12996

v.

SAGINAW COUNTY ROAD COMMISSION,

Defendant.

Honorable Thomas L. Ludington
United States District Judge

Honorable Patricia T. Morris
United States Magistrate Judge

/

**ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND
PERMITTING THE PARTIES TO FILE MOTIONS FOR SUMMARY JUDGMENT**

In this employment-discrimination case, Plaintiff Aric Martin has brought 11 Title VII claims against Defendant Saginaw County Road Commission. *See Martin v. Saginaw Cnty. Rd. Comm'n*, No. 1:20-CV-12996, 2022 WL 2359656, at *4 (E.D. Mich. June 7, 2022).

Plaintiff filed a motion to compel production of Defendant's nonprivileged investigatory documents. ECF No. 26. After Plaintiff's motion to compel was fully briefed—but before it was resolved—Defendant filed a motion for summary judgment. ECF No. 33.

Magistrate Judge Morris's Report and Recommendation revealed that Plaintiff's Motion for Summary Judgment would benefit from the resolution of Plaintiff's Motion to Compel. *See Martin*, 2022 WL 2359656, at *8 ("[T]he R&R finds a genuine issue of material fact as to all four elements of Plaintiff's racial-discrimination claims."). Accordingly, this Court deferred resolving the Motion for Summary Judgment until discovery was complete, which was scheduled for September 1, 2022. *Id.* at *10.

Discovery has ended, and Judge Morris has resolved Plaintiff's Motion to Compel, requiring Defendant to provide numerous pieces of relevant audio and documentary evidence. *See*

ECF Nos. 52; 54. Thus, Plaintiff's Motion to Compel has sufficiently demonstrated that he could not "present facts essential to justify [his] opposition" to Defendant's Motion for Summary Judgment. *See FED. R. CIV. P. 56(d).*

For this reason, Defendant's Motion for Summary Judgment will be denied. *See FED. R. CIV. P. 56(d)(1).* Yet it would be a manifest injustice not to permit Defendant to file a new motion for summary judgment after its first was denied for incomplete discovery. *See Thomas v. Lambert*, No. 1:19-CV-11046, 2022 WL 433155, at *4 (E.D. Mich. Feb. 11, 2022); *see also Miner v. Ogemaw Cnty. Rd. Comm'n*, No. 1:21-CV-11192, 2022 WL 957534, at *10 (E.D. Mich. Mar. 29, 2022) (noting that "Sixth Circuit policy 'values the disposition of cases on their merits.'") (quoting *Burrell v. Henderson*, 434 F.3d 826, 832 (6th Cir. 2006))).

To ensure that this case is properly resolved on the merits, the parties will be permitted to file motions for summary judgment on or before October 13, 2022.

Accordingly, it is **ORDERED** that Defendant's Motion for Summary Judgment, ECF No. 33, is **DENIED**.

Further, it is **ORDERED** that the parties may **FILE** motions for summary judgment **on or before October 13, 2022.**

Dated: September 1, 2022

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge